



**Royal Commission
into Institutional Responses
to Child Sexual Abuse**

Justice Peter McClellan AM
CHAIR

24 April 2014

His Eminence Cardinal Pietro Parolin
Secretary of State
Vatican City State

Your Eminence

As you are aware, I am the Chair of the Australian Royal Commission established to inquire into how institutions with responsibility for children have managed and responded to allegations and instances of child sexual abuse and related matters.

During the course of the second half of 2013, I requested the assistance of the Secretariat of State within the Holy See for the provision of documents relevant to the Commission's inquiry concerning a particular priest (Father John Gerard Nestor). I gratefully acknowledge receipt of documents provided to the Commission and the correspondence of the Secretariat dated 25 October 2013, 16 December 2013 and 23 December 2013.

I now write to seek further assistance. As part of our inquiries, the Royal Commission is examining the responses of Catholic congregations within Australia to allegations of child sexual abuse. It is apparent that if we are to fulfil the Terms of Reference provided to the Royal Commission by the Australian and State governments, it is essential that we understand the nature and extent of communications between those congregations and the Holy See in relation to child sexual abuse complaints about Australian clerics.

Our understanding, based on the *Guide to Understanding Basic CDF Procedures concerning Sexual Abuse Allegations*, is that canon law (at least since 30 April 2001) contemplates a process as follows:

- the local bishop refers an allegation of sexual abuse of a minor occurring within his diocese, to the Congregation for the Doctrine of the Faith (CDF);
- the referral includes all 'necessary information' and the bishop's opinion on the procedures to be followed and the measures to be adopted in the short and long term;
- the CDF studies the case and may seek supplementary information;
- the CDF may authorise the local bishop to conduct judicial or administrative penal processes – canonical penalties for a cleric judged guilty include dismissal from the clerical state, and questions of damages can be adjudicated;
- the CDF may refer grave cases directly to the Holy Father.

Our purpose in requesting that documents be provided is to enable the Commissioners to develop an understanding about the following matters: (i) the extent to which Australian clerics accused of child sexual abuse have been referred to the Holy See (in particular, the CDF) and (ii) the action taken in each case.

My understanding, based on the response of the Holy See to a request for information made by the United Nations Committee on the Rights of the Child, is that although the Holy See will not provide information on specific cases to the UN, it will provide them to another country as part of formal proceedings.

In making this request I am mindful that it may be necessary to examine the archives of the Holy See to identify the files relating to cases referred to the CDF and the documents recording the CDF's deliberations and responses. We will be guided by the Secretariat in how production of those documents might best be achieved – for example, by progressive disclosure organised by any of, or some combination of:

- the names of clerics;
- the year the complaint was made to the Holy See;
- the diocese in which the cleric served; or
- the religious order to which the cleric was attached.

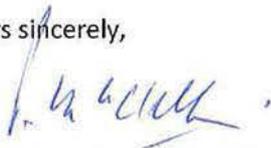
The Royal Commission is keen to collaborate with the Secretariat to put in place an effective process that will facilitate the identification and transmission of documents within a fair timetable. To minimise inconvenience to the Holy See, the Royal Commission is willing, in consultation with the Secretariat, to shape our request so that it aligns in a practical sense with the manner in which the materials are held by the CDF or other relevant dicasteri of the Roman Curia.

In addition to the above, I have a more urgent request concerning a particular priest. It would be of great assistance to receive copies of any documents regarding Father **REDACTED** a Congregation of the Mission (Vincentian) priest ordained on **REDACTED** who was recently the subject of a canonical process.

This material, both our general request and in relation to Father **REDACTED**, is sought in relation to the Royal Commission's ongoing schedule of public hearings. I would appreciate every effort to provide this material, so that it might inform the Commission's preparation for those hearings. In the case of Father **REDACTED** it would assist the preparation of a particular hearing if the requested materials could be provided by 30 June 2014.

If you would like to discuss our requests, kindly contact Tony Giugni, Solicitor Assisting, at solicitor@childabuseroyalcommission.gov.au or by telephone on +61 2 8284 2431.

Yours sincerely,



Justice Peter McClellan AM